REMARKS

Claims 1-14 are pending in the application. Claims 1, 3, 4, 5, 6, 9, 13 and 14 are currently amended. The Specification has also been amended to correct a prior amendment of the figure description as requested by the Examiner.

The Examiner has indicated in the outstanding Office Action of February 7, 2008 that claim 11 is a duplicate of claim 7. Claims 11 is dependant on claim 6 (Claim 6 claims a molecular weight of the copolymer between 4,000 to 50,000 daltons). Claim 7 is dependant upon claim 5. Therefore, there is a difference between claims 7 and 11.

Declaration:

Submitted herewith is a Reissue application Declaration under 37 CFR § 1.172 and 1.175 signed by the Assignee. The Examiner has indicated that the amendments that are present do not seek to enlarge the scope of any of the claims of the original patent. Therefore, under 37 CFR § 1.172(a) the supplemental reissue declaration is signed by the Assignee of the entire interest in the patent. This is the second version of the supplemental Declaration signed by the Assignee, however, this version contains the citizenship of the inventors.

The assignee of the entire interest in the present reissue application and United States Letters patent No. 5,762,965, as indicated in assignment recorded on Reel #008353, Frame # 0262, recorded on February 18, 1997 is the United States Government, as represented by the Secretary of the Army. 37 CFR §3.73(b)

The person signing on behalf of the Assignee is Elizabeth Arwine, Office of Staff Judge Advocate, U.S. Army Medical Research and Materiel Command, a person with

authority to act on behalf of the United States Government, as represented by the Secretary of the Army.

It is now believed that all of the rejections have been addressed and are overcome.

Reconsideration and allowance are respectfully requested.

Respectfully submitted,

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Appendix:
For the Examiner's convenience only, the entire list of pending claims is presented below:

Claim 1 (twice amended) An immunostimulating composition comprising [encapsulating] encapsulated microspheres comprised of (a) a biodegradable-biocompatible poly(DL-lactide-co-glycolide) as the bulk matrix produced by a solvent evaporation process wherein the molecular weight of the copolymer is between 4,000 to 100,000 daltons and (b) an immunogenic substance consisting of a conformationally native subunit of chronic intracellular pathogen which, in the course of natural infection with that pathogen, is exposed to the host immune system on the surface of free pathogen and/or pathogen-infected cells.

Claim 2 The immunostimulating composition described in claim 1 wherein the immunogenic substance is an antigen and the antigen is pre-encapsulated into a conformationally stabilizing hydrophobic matrix consisting of an appropriate mono, di- or tri-saccharide or other carbohydrate substance by lyophilization prior to its final encapsulation into the PLGA microsphere by a solvent extraction process employing acetonitrile as the polymer solvent, mineral oil as the emulsion's external phase, and heptane as the extractant.

Claim 3. (Twice Amended) The immunostimulating composition [compositions] described in claims 1 wherein the immunogenic substance is a native (oligomeric) HIV-1 envelope antigen that is conformationally stabilized by the polymer matrix and serves to elicit in animals the production of HIV specific cytotoxic T lymphocytes and antibodies preferentially reactive against native HIV-1 envelope antigen.

Claim 4. (Amended) The immunostimulating composition [compositions]described in claim 3 wherein the amount of said immunogenic substance within the microcapsule comprises between 0.5% to 5.0% of the weight of the composition.

Claim 5. (Twice amended) The immunostimulating composition [compositions] described in claim 4, wherein the relative ratio between the amount of the lactide:glycolide components of said matrix is within the range of 52:48 to 0:100.

Claim 6. (Amended) The immunostimulating composition [compositions]described in claim 5 wherein the molecular weight of said copolymer is between 4,000 to 50,000 daltons.

Claim 7 A vaccine consisting of a blend of immunostimulating compositions of claim 5.

Claim 8 The immunostimulating composition described in claim 5, employed as a parenterally administered vaccine wherein the diameter size range of said vaccine microspheres lies between 1 nanometer and 20 microns.

Claim 9. (Amended) The immunostimulating composition [compositions] described in claim 5, employed as a mucosal vaccine wherein the size of more than 50% (by volume) of said vaccine microspheres is between 5 to 10 microns in diameter.

Claim 10. A composition in accordance with claim 1 wherein the microspheres further contain a pharmaceutically-acceptable adjuvant.

Claim 11 A vaccine consisting of a blend of immunostimulating compositions of claim 6.

Claim 12. The immunostimulating composition described in claim 6, employed as a parenterally administered vaccine wherein the diameter size range of said vaccine microspheres lies between 1 nanometer and 20 microns.

Claim 13 (twice amended) The immunostimulating composition [compositions] described in claim 7 employed as a parenterally administered vaccine wherein the diameter size of said vaccine microspheres lies between 1 nanometer [nanogram] and 20 microns.

Claim 14 (Amended) The immunostimulating composition [compositions] described in claim 6 employed as a mucosal vaccine wherein the size of more than 50% (by volume) of said vaccine microspheres is between 5 to 10 microns in diameter.

Claim 15-33 (Cancelled)